

REMARKS

Support for the Amendments

In the amendment, claims 18, 20, 22-23, 25 and 27 have been amended, and claims 19, 21, 24 and 26 have been canceled without prejudice as to patentability. Such amendments are fully supported in the specification as originally filed. No new matter has been added.

More particularly, claim 18 is amended to read “non-traumatically” altering the nerve “by non-surgically placing a gel substance into the fascial tunnel” through which the nerve passes. Similarly, claim 23 is amended to read that the nerve “has been altered non-traumatically by non-surgically placing a gel substance into the fascial tunnel” through which the nerve passes. Support for such amendments can be found throughout the specification, particularly on page 3, paragraph [0019], which states, “non-surgical is defined as a method that does not rely on an open surgical incision of the skin or any other tissue for open, visualized placement of a biocompatible substance”. Also on page 2, paragraph [0015], it is stated that “non-traumatic is defined as a method that does not cause acute pain, an immune reaction, inflammation, or is not due to direct trauma to the nerves by methods that would include but not be limited to direct irritation, cutting, crushing, or binding” (emphasis added).

Claim 18 is further amended to read “placing a gel substance into the fascial tunnel through which the tibial nerve or the branch of the tibial nerve passes”. Similarly, claim 23 is further amended to read “placing a gel substance into the fascial tunnel through which the tibial nerve or the branch of the tibial nerve passes”. Support for the amendment of “placing” or “placement” can be found throughout the specification (see paragraph [0011], [0016], [0018], [0019], [0022], [0024]-[0027], [0029], [0035], [0036], [0038] and [0040]), wherein phrases like “placement of the gel” or “placement of a biocompatible substance” or sentences like “a biocompatible substance is placed” are frequently used. As to the amendment of “fascial tunnel through which the tibial nerve or the branch of the tibial nerve passes”, support can be found on page 4, paragraph [0025], wherein it is described that a needle tip “was gently slipped beneath the fascial edge of the soleus muscle by the tibial nerve and artery into the deep posterior fascial compartment of the posterior tibial neurovascular tunnel, which is the neurovascular tunnel for the posterior tibial nerve and its proximal branches” and that “When the tip of the needle was at

the mid soleus muscle belly, the collagen mixture was slowly injected into the posterior tibial tunnel". It is well known in the art that all nerves pass through fascial tunnels. Accordingly, the amendment of "placing a gel substance into the fascial tunnel through which the tibial nerve or the branch of the tibial nerve passes" in claims 18 and 23 is adequately supported by the specification as originally filed.

Claims 18 and 23 are amended to refer to the tibial nerve and a branch of the tibial nerve. Such language is fully supported by the specification (see page 4, paragraph [0025]).

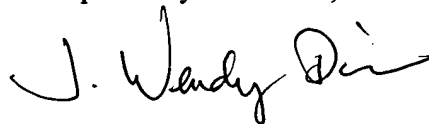
CONCLUSION

In view of the foregoing amendments, it is respectfully submitted that this application is in condition for allowance.

The Examiner is invited to contact the undersigned agent at (713) 787-1512 with any comments or suggestions relating to the referenced patent application.

This paper is accompanied by a Request for Continued Examination (RCE), a request for a one-month extension of time and authorization to charge Howrey Simon Arnold & White Deposit Account No. 01-2508/13629.0002.NPUS00 for the appropriate fees. Should any additional fee be required for any reason in connection with this paper, the Commissioner is authorized to deduct said fees from the same deposit account.

Respectfully submitted,



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Date: February 11, 2005